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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,407	12/17/2001	Michael Wayne Brown	AUS920010839US1	3580

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EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,407

Applicant(s)

BROWN ET AL.

Examiner

Barry W Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 47-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-5, 7, 9-14, 16, 18-23, 25, 27-29, 31-32, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Bauer et al (5,859,900 hereinafter Bauer).

Regarding claims 1, 10, 19, 28, 31, and 34. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7 lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55).

Swope does not "first" authenticate an identity of the called party using voice utterance (see Applicant's remarks on page 22, second to last paragraph wherein Applicant's contend that Swope does not "first" determine the identity of called party before providing alternate billing, of paper number 8, Amendment "B", dated 3/24/04). The Examiner notes the Swope indeed verifies called party by using voice recognition (see Swope col. 8 lines 6-7).

Bauer also teaches a system and method for reverse billing wherein the called party verified either before or after receipt of call (col. 2 lines 1-3) providing the called party the ability to terminate call without charge (col. 2 lines 18-21, col. 6 lines 24-47).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope to first verify if called party will accept the telephone call as taught by Bauer for the benefit of allowing the called party the ability to terminate the telephone call without being charged.

Regarding claims 2, 11, and 20. Swope teaches using voice recognition of called party (see col. 8 lines 6-7).

Regarding claims 3, 5, 12, 14, 21, and 23. Swope teaches telephone device equipped with telephone swiper (reader), a bar code scanner, an automated biometric reading device or the like reading on initiating authentication from the telephone device located at subscriber's premises equipment (col. 5 lines 38-53). Swope further discloses the invention may be applied to any consuming group (col. 6 lines 34-36) having premises based telecommunications system or a telecommunications provider may provide the service to customers allowing the called party to maintain ownership and control of the charged account.

Regarding claims 4, 13, and 22. Swope teaches the identity of the called party at intermediary device (see 10 figure 1).

Regarding claims 7, 16, and 25. Swope teaches controlling at least one particular service (see collect call service controlled by called party col. 1 lines 57-62).

Regarding claims 9, 18, and 27. Swope teaches billing the callee (see col. 3 lines 6-10 wherein called party gives approval) for an order (see col. 3 lines 6-10 wherein called party approves the order (i.e. collect call) may be billed to another account associated with called party).

Regarding claims 29, 32, and 35. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

2. Claims 6, 15, 24, 30, 33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Bauer et al (5,859,900 hereinafter Bauer) further in view of Reto et al (5,825,857 hereinafter Reto).

Regarding claims 6, 15, 24, 30, 33, and 36. Swope in view of Bauer fails to show service provider within an intermediary device.

Reto teaches a method and system for validation hubbing wherein authorization request is sent to the hubbing system (abstract, 400 figure 4). Reto teaches a validation hubbing system that provides centralized protocol translation for all validation messages sent between any two networks and transport links between the network and the hubbing system (col. 3 lines 12-29).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Swope in view of Bauer to use validation hub as taught by Reto providing for a centralized translation hub that allows any two connected networks validate messages with each other regardless of the protocols each uses as taught by Reto (col. 3 line 20).

3. Claims 8, 17, 26, 47-48, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Bauer et al (5,859,900 hereinafter Bauer) further in view of Kamil (4,706,275)

Regarding claims 8, 17, 26, and 47-48. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7

lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55).

Bauer also teaches a system and method for reverse billing wherein the called party verified either before or after receipt of call (col. 2 lines 1-3) providing the called party the ability to terminate call without charge (col. 2 lines 18-21, col. 6 lines 24-47).

However, Swope in view of Bauer fail to show routing call to service provider associated with the destination number.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange decrements the subscriber's balance as the telephone progresses. In other words,

Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Bauer to use a special exchange as taught by Kamil for the benefit of having the service provider own and control the special exchange thereby allowing any telephone to be used when making the call.

Regarding claim 51. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Regarding claim 52. Swope in view of Bauer fail to show service provider used for billing.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange decrements the subscriber's balance as the telephone progresses. In other words, Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Bauer to use a special exchange as taught by Kamil for the benefit of having the service provider own and control the special exchange thereby allowing any telephone to be used when making the call.

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Bauer et al (5,859,900 hereinafter Bauer) and Kamil (4,706,275) further in view of O'Neil (6,226,364).

Regarding claim 49. Swope in view of Bauer and Kamil fails to show request for a fund transfer.

O'Neil teaches method and system for providing prepaid and credit-limited telephone services wherein an announcement is played to the originating station or to the terminating station indicating that the credit limit has been exceeded (col. 5 lines 52-62, col. 15 lines 27-37). In response, an alternate payment source, such as credit or debit bank account, may be received for continuing the communication, and the cost associated with continuing the communication may be charged to the alternate payment source.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Bauer and Kamil to use announcement as taught by O'Neil for the benefit of prompting the originating and

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terminating device for an alternate payment source so that communication may continue.

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Bauer et al (5,859,900 hereinafter Bauer) and Kamil (4,706,275) further in view of Block (5,960,416).

Regarding claim 50. Swope in view of Bauer and Kamil fails to show purchasing.

Block allows subscribers the ability to pay for other products or services purchased or billed through his or her account (col. 3 lines 24-26, col. 32 line 32 – col. 33 line 52).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Bauer and Kamil to incorporate the real time subscriber billing system as taught by Block for the benefit of allowing subscribers to pay for purchases which are ordered by phone.

6. Claims 1-5, 7, 9-14, 16, 18-23, 25, 27-29, 31-32, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Infosino (6,327,346).

Regarding claims 1, 10, 19, 28, 31, and 34. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7 lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55).

Swope does not “first” authenticate an identity of the called party using voice utterance (see Applicant’s remarks on page 22, second to last paragraph wherein Applicant’s contend that Swope does not “first” determine the identity of called party before providing alternate billing, of paper number 8, Amendment “B”, dated 3/24/04). The Examiner notes the Swope indeed verifies called party by using voice recognition (see Swope col. 8 lines 6-7).

Infosino teaches method and apparatus for setting user communication parameters wherein voice identification of users are used to setup customized services (abstract). For example, a sample voice pattern of each user using particular device (see calling device 100 and called device 120 figure 1) is stored so that when one or more persons are using particular device the communication parameters or device settings are changed via recognizing voice sample (col. 1 lines 13-54). Of course, Infosino discloses verifying called party when call made to the called party terminal (see col. 4 lines 26-34 wherein activation of user device 100 may be performed when

attempting to establish communication with user device 120 or when receiving communication attempt from the user device 120). In other words, Infosino uses voice utterance to enable/disable services available to users using devices 100 and 120 shown in figure 1.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope to use voice utterance as taught by Infosino for the benefit of providing customized service based on an identity of user as taught by Infosino (col. 1 lines 21-22).

Regarding claims 2, 11, and 20. Swope teaches using voice recognition of called party (see col. 8 lines 6-7).

Regarding claims 3, 5, 12, 14, 21, and 23. Swope teaches telephone device equipped with telephone swiper (reader), a bar code scanner, an automated biometric reading device or the like reading on initiating authentication from the telephone device located at subscriber's premises equipment (col. 5 lines 38-53). Swope further discloses the invention may be applied to any consuming group (col. 6 lines 34-36) having premises based telecommunications system or a telecommunications provider may provide the service to customers allowing the called party to maintain ownership and control of the charged account.

Regarding claims 4, 13, and 22. Swope teaches the identity of the called party at intermediary device (see 10 figure 1).

Regarding claims 7, 16, and 25. Swope teaches controlling at least one particular service (see collect call service controlled by called party col. 1 lines 57-62).

Regarding claims 9, 18, and 27. Swope teaches billing the callee (see col. 3 lines 6-10 wherein called party gives approval) for an order (see col. 3 lines 6-10 wherein called party approves the order (i.e. collect call) may be billed to another account associated with called party).

Regarding claims 29, 32, and 35. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

7. Claims 6, 15, 24, 30, 33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Infosino (6,327,346) further in view of Reto et al (5,825,857 hereinafter Reto).

Regarding claims 6, 15, 24, 30, 33, and 36. Swope in view of Infosino fails to show service provider within an intermediary device.

Reto teaches a method and system for validation hubbing wherein authorization request is sent to the hubbing system (abstract, 400 figure 4). Reto teaches a validation hubbing system that provides centralized protocol translation for all validation messages sent between any two networks and transport links between the network and the hubbing system (col. 3 lines 12-29).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Swope in view of Infosino to use

validation hub as taught by Reto providing for a centralized translation hub that allows any two connected networks validate messages with each other regardless of the protocols each uses as taught by Reto (col. 3 line 20).

8. Claims 8, 17, 26, 47-48, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Infosino (6,327,346) further in view of Kamil (4,706,275)

Regarding claims 8, 17, 26, and 47-48. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example

col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7 lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55).

Infosino teaches method and apparatus for setting user communication parameters wherein voice identification of users are used to setup customized services (abstract). For example, a sample voice pattern of each user using particular device (see calling device 100 and called device 120 figure 1) is stored so that when one or

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more persons are using particular device the communication parameters or device settings are changed via recognizing voice sample (col. 1 lines 13-54). Of course, Infosino discloses verifying called party when call made to the called party terminal (see col. 4 lines 26-34 wherein activation of user device 100 may be performed when attempting to establish communication with user device 120 or when receiving communication attempt from the user device 120). In other words, Infosino uses voice utterance to enable/disable services available to users using devices 100 and 120 shown in figure 1.

However, Swope in view of Infosino fail to show routing call to service provider associated with the destination number.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange decrements the subscriber's balance as the telephone progresses. In other words, Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Infosino to use a special exchange as taught by Kamil for the benefit of having the service provider own and

control the special exchange thereby allowing any telephone to be used when making the call.

Regarding claim 51. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Regarding claim 52. Swope in view of Infosino fail to show service provider used for billing.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange decrements the subscriber's balance as the telephone progresses. In other words, Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Infosino to use a special exchange as taught by Kamil for the benefit of having the service provider own and control the special exchange thereby allowing any telephone to be used when making the call.

9. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Infosino (6,327,346) and Kamil (4,706,275) further in view of O'Neil (6,226,364).

Regarding claim 49. Swope in view of Infosino and Kamil fails to show request for a fund transfer.

O'Neil teaches method and system for providing prepaid and credit-limited telephone services wherein an announcement is played to the originating station or to the terminating station indicating that the credit limit has been exceeded (col. 5 lines 52-62, col. 15 lines 27-37). In response, an alternate payment source, such as credit or debit bank account, may be received for continuing the communication, and the cost associated with continuing the communication may be charged to the alternate payment source.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Infosino and Kamil to use announcement as taught by O'Neil for the benefit of prompting the originating and terminating device for an alternate payment source so that communication may continue.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Infosino (6,327,346) and Kamil (4,706,275) further in view of Block (5,960,416).

Regarding claim 50. Swope in view of Infosino and Kamil fails to show purchasing.

Block allows subscribers the ability to pay for other products or services purchased or billed through his or her account (col. 3 lines 24-26, col. 32 line 32 – col. 33 line 52).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Infosino and Kamil to incorporate the real time subscriber billing system as taught by Block for the benefit of allowing subscribers to pay for purchases which are ordered by phone.

Response to Arguments

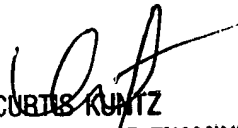
11. Applicant's arguments with respect to claims 1, 10, 19, 28, 31 and 34 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Art Unit: 2643

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600